App. F. IX-4

preserve
By 28/10/47

1935. (8 SA)

File No. 439-35

Serial Nos. 1-2.

Previous References

S SA 189-20 (1, 1a, 4-6, 8)
" 27-24 (18b)
" 178-14 (6H)

Letter References.

" 178-34 (1, 5, 8)
S & A. 232-D) (1-2)
S & A 18-38 (1-9)
" 6-41 . . . (1-4)
S & A 8-55 (1.2).

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for Feb 36

SUBJECT.

Representation of Mrs B. J. Krishnaswami Naick of the Bagalur Pallegar family for permission to adopt his daughter's son Anjaneya Swami for succession to the pension.

(2)

H 6050 & 7.2.36

WD 03607—GPB—22,500—2-8-35

To the Comptroller

Cancelled

Representation of Bly. Krishnaswami Naik of the Bagalur family for permission to adopt his daughter's son

General and Revenue Secretariat | S.H. File No. 439 of 1935. | [App. F. III—2

Serial No.

Letter no. 2920/S.H. Trg. Dy. 19.12.35 from the Comptroller to Govt. forwarding the report of the S.H.S. Officer on the representation of Mr. Bly. Krishnaswami Naik of the Bagalur Pallegar family praying that he may be permitted to adopt his daughter's son as his son, heir and successor to the Political pension of Rs. 15-14-2, which he is in receipt of.

The reasons adduced by the petitioner for the adoption are.

1) That he has no sons to perform his obsequies and perpetuate his lineage

2) That he cannot adopt one of his nephews as strained feelings exist in the family.

3) He further represents that the adoption of a daughter's son is permissible under the Hindu law and this may kindly be recognised in his case.

3. The State Honorary Treasury Officer while recommending for sanction the prayer of the petitioner is of the opinion that strained feelings exist in the family and as such he cannot think of adopting a son in the family and that "although under H. L.

"and as they are too old"

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

2636
K

SHT File No. 439 of 1938.

General and Revenue Secretariat

Vide Comp 1678 & 29.10.1887 laying down the conditions under which adoption to the families in receipt of Pollegar pensions would be recognised by Govt, "nearest of kin" are usually preferred. There is no bar to the adoption of a daughter's son when one nearer of kin is not available, as in this case, and that the adoption of a daughter's son was permitted in [illegible]. the Royacoty Pollegar family (Vide G.O. no K 5456/SM 27-11-6 & 4.6.25.) which is exactly on all fours with this case

Flag K.

Flag C

The validity of an adoption for the purpose of succession to a Pollegar pension was carefully considered by Govt in G.O. # 1678 & 29th Oct 1887

Flag K.

They laid down that the boy adopted should be the nearest of kin to the adoptive father and attached special importance to the condition as regards succession to a Pollegar pension. The Govt in that case laid down as follows "The strict enforcement of this rule viz that the boy adopted shall be the nearest of kin to the adoptive

Serial No.

father would be the means of keeping the pension in the same family, a result which is highly desirable on grounds other than those of mere conformity to Hindu law."

5) So it in this case the adoption will result in the transfer of a pension to a different family as the adopted son becomes a member of his family. and is also opposed to the instructions of Govt expressed in G.O. of 29th Oct 1887

6) It is not known whether the proposed adoptee (son ~~of the~~ and is himself a pensioner, drawing any pension, ~~and is himself~~ ~~a pensioner~~ It is however open to Govt to take favourable. give a ~~liberal~~ liberal interpretation to the order of 29th Oct 1887 as in the case of Nimbonkar Naik who was permitted to adopt his daughter's son. The recommendation of the Stat Huzur merits Treasury Officer is therefore for orders.

24/1/1936

7) The recommendation of the S.H.T.O. may be accepted, and the proposed adoption agreed to, for the reasons given by the officer.

8) H.L. Secy) 27.1.36.

DEWAN'S OFFICE
29 JAN. 1936
No. 4690

Note: Contr. Sheet.

WD 03594—GPB—30,000—18-7-35

9) Dewan) 28/1

10) 29-1-36 30/1/36.

29.1.36

Re prescription of sri B.J. Krishna Swami Naik of the Bapatla Pattegar family

GA File No. 439 of 1935. General and Revenue Secretariat

Submits with a draft G.O sanctioning for approval

sec 31/1

1) Please put up a fair draft.

B 31.1.36.

Submits with a typed draft

sec 1/2

For approval

H Secy) B 1.2.36.

15) M 3/2.

16) Issue

B

3/2/36

to G.O. 50. G & S/H dt 7.6.36. To the Comptroller sanctioning the adoption of his daughter's son Ananthanarayanaswami by sri B.J. Krishnaswami Naik for the purpose of continuing the Pattegar family in dispute by him.

2

B

sec 12/2

STA. 439-35-1

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

In reply please quote reference to No. 2920 S.H.Try.

FINANCIAL BRANCH
26 DEC. 1935
2636
GENL & REV. BRCH.

COMPTROLLER'S OFFICE, BANGALORE,

Dated the 19th December *1935.*

FINANCIAL SECRETARY
23 DEC.
No.

S. Shamanna, Esq., B.A.,
Financial Secretary to Govt. of Mysore,
Bangalore.

Sir,

I have the honor to forward herewith for the orders of Government the Report of the State Huzur Treasury Officer on the representation of Mr.B.J. Krishnaswami Naik of the Bagalur Pollegar Family to be permitted to adopt his daughter's son, as his son, heir and successor to the Political Pension of Rs.15-14-2 which he is in receipt of.

I have the honor to be,
Sir,
Your most obedient servant,

Comptroller.

MSR

State Huzur Treasury,
Bangalore. Dated 14th December 1938.

From

M.S.Ramachendra Rao Esq., B.A., B.L.,
Senior Assistant Commissioner
in charge of the State Huzur Treasury,
Bangalore.

To

A.N.Raghavachar Esq., M.A.,
Comptroller to the Government
of Mysore, BANGALORE.

Sir,

I have the honour to state that Mr.B.J.Krishnaswami Naik of the Bagalur Pollegar family who is in receipt of a monthly political pension of Rs.15-14-2 as per G.O.No.Fl.632 S.& A.178-14-6 dated 5th May 1915 has applied for permission to adopt as his son, heir and successor, one Anjaneyaswami the son of his daughter Radhaboyamma on the ground that his wife is dead, and that since her death his daughter has been looking after his welfare, and her son is entitled, according to law to perform his obsequies and perpetuate the lineage. He adds that there is ill-will between himself and his brother sons and he is convinced that they will not perform the said rites properly and are not competent to perpetuate his lineage Hence his preference for his grandson. The petitionis enclosed (Flag M)

2. In due course notices were issued to all parties concerned to appear and state their objections, if any to the proposed course. Two objections have been received, one from B.J.Kumara Krishna Raja (Flag N) and the other from Manjamuddammanni (Flag O). It is not known who this Kumara Krishna Raja is, and what locus standi he has in the matter. The other opponent is the wife of petitioner's deceased brother B.J.Seshadri Naik, also now deceased. The first opponent says that if the petitioner's idea is to secure his spiritual welfare, he has no objection, but that if the proposed adoption will in effect divert the succession to the political pension to an altogether different family he has very strong

strong objections. The second opponent says that there is no necessity for the adoption at all, inasmuch as the petitioner has got nephews who can perform his obsequies and that the policy of Government has always been against the resumption of the political pension from the family for the benefit of whose members it was originally granted.

3. The petitioner states in his reply to these objections (Para 2) that he has some nephews, that there is no connection between them and himself on account of some misunderstandings between his brothers and himself; and that it is but natural that they should object; that no heed need be paid to these objections; that a daughter's son is, according to Hindu law, one of the heirs; and that Government have approved a similar case of adoption in the Rayadurga family in their order No.8454/S.A.27-24-6 dated 4.4.1925.

4. I have given careful consideration to the petitioner's representation as well as the objections urged against it. It is seen from the old records that the original pension of Rs.63-8-10 which stood in the name of the late Mr.B.J.Kumaraswami Naik was, on his death, invisedly split up into four shares and registered separately in the names of (1) Mrs. Lakshminarasamma widow of Mr.B.J.Kumaraswami Naik and his two sons. (2) Mr.B.Seshadri Naik. (3) Mr.B.J.Krishnaswami Naik (the applicant) and (4) Akkammanni (widow of the 4th brother) on the ground that after the death of Mr. Kumaraswami Naik there was no guarantee that the pension would be distributed properly among the sharers. The strained feelings still exist and if anything are still more intensified. With the exception of Messrs. B.J. Kumaraswami Naik and Seshadri Naik, the other brothers have no male issue. The first son of Mr.Kumaraswami Naik is a mental defective and the second son attained majority only lately. The sons of Mr.Seshadri Naik although majors are still unmarried with the exception

exception of the eldest who was married on 8.11.35. Thus apart from the question of strained feelings there are no grand-nephews eligible for adoption, and the nephews are too old.

5. Although under G.O.No.Camp.1678 dated 29th Oct. 1887 laying down the conditions under which adoption to the familie in receipt of Pollegar pensions would be recognised by Government "nearest of Kin", are usually preferred there is no bar to the adoption of a daughter's son, when one nearer of Kin is not available as in this case. As a matter of fact in the case cited by the applicant which is exactly on all fours with this case, the adoption of a daughter's son was permitted (vide G.O.No.Fl.5404 S.& A. 27-24-6 dated 4th April 1925). The position of a daughter's son (dauhitra) is very peculiar under Hindu law and even without adoption he is entitled to succeed to his grand-father's property in the absence of son.

6. In these circumstances I recommend that the prayer of the applicant to adopt his daughter's son Anjaneyaswami with a view to his succeeding to the Pollegar pension of Rs.15-14-2 after his demise may be sanctioned.

I have the honour to be,

Sir,

Your most obedient Servant.

M.S. Ramachendra Rao
14.12.35
State Huzur Treasury officer.

Bangalore,

Dated, 30th March 1934.

From,

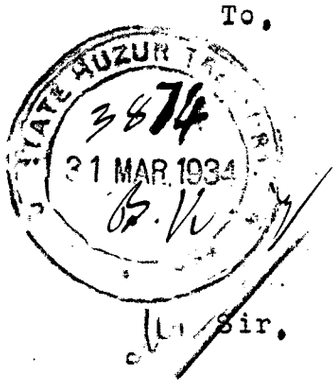
B.J.Kumarakrishna Raja,
No.2, John Armstrong Road,
Richards Town, Bangalore.

To,

The Officer in Charge,

State Huzur Treasury,

B a n g a l o r e.



Sir,

In answer to your Notice dated 14-3-1934, No.3695, I beg to state that I object to the permission sought for by Mr. B.J.Krishnasawmy Naik, to adopt his daughter's son. If his idea is merely to seek his spiritual welfare by such adoption he may do so, but if it should tend to divert the payment of the political pension to an altogether differ--ent family, I strongly object to the proposed adoption. The family pension is intended exclusively for the benefit of the direct descendant of the original head and not to be diverted for others benefit. If the proposed adoption will not in effect divert such payment to the family of the adopted child, the permission sought for may be granted; otherwise, I submit I strongly protest against any permis--sion being granted to the proposed adoption.

I beg to remain,
Sir,
Your obedient servant,

B. J. Kumara Krishna Raja.
Pensioner of the Bagalur Palle-yar family.

IN THE COURT OF THE KHAJANA BHKSHI

THE STATE HUZUR TREASURY

Reference No.3693 of 14 - 3 -34.

****

Petitioner		Opponent.
B.J.Krishnaswami Naik Pollegar of Bagalur, Bangalore.	VS.	Nanja Muddammanni widow of late Mr. R.Sheshadri Raju pollegar of Bagalur residing at Cottonpet Bangalore City.

******

OBJECTION STATEMENT.

1. The Opponent is against Government granting permission to B. J.Krishnaswami Naik to adopt his daughter's son Anjaneyaswami Naik as prayed - for by him

2. The Opponent's husband and the adopter are own brothers and there are the sons of the - other brothers of the adopter, who are all entitled to the family pension which is now being enjoyed by the petitioner B.J.Krishnaswami Naik.

3. The policy of the Government in cases of Pollegar adoption as expressed by several & Government orders is clear viz., that the pension ought to be, as far as possible preserved in the family to which the same has been sanctioned.

4. Instances are not wanting when the -

Government

File with records & if date fixed has elapsed, give notice to Petr to appear & file his reply
1/5/34

Government have lapsed the pension, when the pension devolved on the family of the son-in-law and there being no heirs in that line. The instance in point is the pension of the Belagutti - family.

5. The pollegar pension being a family - pension and its continuance depends upon the continuance of the line of heirs in the family the recognition by the Government of the adoption naturally means that a fresh member having nothing to do with the original family hailing from a different ancesstry and probably belonging to an entirely different community altogether is tacked on to this ancient and much reputed family, in preference to those who are - already members of the family by birth and have a claim to the family pension.

6. The object of adoption is primarily to safeguard the obsequial rites of a hindu, in this case since the petitioner has nephews i.e., brother's sons, that rite is ensured to him - and therefore there is no necesity for adoption in this perticular case.

The opponent therefore prays that the Government be pleased to consider the facts set forth above and permission sought for adoption not be granted.

Bangalore
30th April 1934.

ಸಂಸ್ಥಾನಕ್ಕೆ

Opponent.

To.

The officer in charge
State Sheriff Treasury
Bangalore

Sir,

Pallegar Clerk
Book
5/7/36

In reply to certain objections raised by the Bagalur Family political pension holders, I beg to submit the following few lines to your kind consideration and favourable orders.

I beg to bring to your kind notice that I have got some nephews and I have no connection with any of them due to some misunderstanding between my brother and myself. As such it is but natural to them to bring forward some objections regarding the adoption. In this instance I request you not to cognisance of any objection raised by nephews in the matter.

Also, I like to state that a daughter's son according to Hindu Law has got claim with regards to the grandfather's property. Also, I wish to bring to your kind and generous consideration that the Government have approved a similar case of adoption in their order No. 5454/S.A 27-24-6 dated 4-4-1925.

pertaining to the Rayadrug family

Under the above circumstances I request you to kindly recommend my case to the Government and grant my request fulfilled.

Beg to remain

Sir,

Your most obedient Servant

B. Krishnaswami Naick

Regalar Poleyagar

D/ 5-1-34

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue..... ...193 .

Signed by .....

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section

File No.

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Letter no 2920/S.H. Tsy dt 19th Dec 35 from the Comptroller to Govt forwarding the report of the State Huzur Treasury Officer on the representation of Mr B.G. Krishnaswamy Naidu of the Bagalur Polegar family praying that he may be permitted to adopt his ~~order thereon.—No.~~ daughter's son Anjaneya-swami for succession to the Palegar pension drawn by him

Order no -

The S.H.T. Officer reports that 1) the circumstances of the family are such that Mr B.G. Krishnaswamy Naidu

Cannot think of adopting a
son from the family of his
cousins since grave feelings exist among them and him,
(2) that his nephews are too old for being adopted, and
3) that the proposed adoption of the daughter's son
is permissible under the Hindu law.

2. In view of the special
features urged by the petitioner
Govt. consider that
the adopting by Sri B. Jagannadhaswami Naidu
of his daughter's son Anjaneyaswami
be recognised for the purpose
of continuing the allegar pension
drawn by Sri B. ~~Jagannadhaswami Naidu~~ him

Financial Secy.

NW
To the Collector (with enclosures)

List of Enclosure

Copied by

Examined by

WD 03602—GPB - 22,500—12-7-85

Fair Draft.

SHA 439-35—2.

Proceedings of the Govt. of His Highness the Maharaja of Mysore.

...

R e a d:

Letter No.2920/S.H.Try. dated 19th December 1935 from the Comptroller to Government forwarding the report of the State Huzur Treasury Officer on the representation of Mr.B.J.Krishnaswami Naik of the Bagalur Pollegar family, praying that he may be permitted to adopt his daughter's son Anjaneyaswami, for succession to the Pollegar pension drawn by him.

...

Order No. 6050

Dated Bangalore 7 Febry.35.

The State Huzur Treasury Officer reports that (1) the circumstances of the family are such that Mr.B.J.Krishnaswami Naik cannot think of adopting a son from the family of his cousins since strained feelings exist among them and himself. (2) that his nephews are too old for being adopted; and (3) that the proposed adoptio of the daughter's son is permissible under the Hindu law.

2. In view of the special features urged by the petitioner Government direct that the adoption of his daughter's son Anjaneyaswami by Mr.B.J.Krishnaswami Naik be recognised for the purpose of continuing the pollegar pension drawn by him.

Financial Secretary to Govt.

To

The Comptroller to Govt.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No. 2920/ S.H.Try. dated the 19th December 1935 from the Comptroller to Government forwarding the report of the State Huzur Treasury Officer on the representation of Mr. B.J. Krishnaswami Naik of the Bagalur Pallegar family, praying that he may be permitted to adopt his daughter's son Anjaneyaswami, for succession to the Pallegar pension drawn by him.

Order No. 6000 S.A. 439-38-2

Dated, Bangalore, the 5th February 1936.

The State Huzur Treasury Officer reports that (1) the circumstances of the family are such that Mr. B.J. Krishnaswami Naik cannot think of adopting a son from the family of his cousins since strained feelings exist among them and him, (2) that his nephews are too old for being adopted; and (3) that the proposed adoption of the daughter's son is permissible under the Hindu Law.

2. In view of the special features urged by the petitioner, Government direct that the adoption of his daughter's son Anjaneyaswami by Mr. B.J. Krishnaswami Naik be recognised for the purpose of continuing the Pallegar Pension drawn by him.

M Shamanna

for Financial Secretary to Government.

To

The Comptroller to the Government of Mysore.

C.R.C.2